

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Quintin M. Littlejohn,)	C/A No. 7:10-1122-RBH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Col. Mummar Qaddafi, <i>leader of Libya,</i>)	
<i>North Africa,</i>)	
)	
Defendant.)	
_____)	

Plaintiff's complaint, filed *pro se* on May 3, 2010, alleges *inter alia* that the defendant aided in the bombing of Pam-Am Flight 103 in 1988.

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 this matter comes before the Court with the Report and Recommendation of United States Magistrate William M. Catoe filed May 5, 2010. Based on his review of the record, the Magistrate Judge concluded that the case should be dismissed *without prejudice* and without requiring the defendant to file a return based upon the Foreign Sovereign Immunities Act of 1976, the political question doctrine, and the lack of standing.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report and Recommendation, this Court is not required

to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge’s proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir. 1982) (failure to file specific objections to particular conclusions in Magistrate Judge’s Report, after warning of consequences of failure to object, waives further review). Without specific objection to the Magistrate Judge’s reasoning, it is not necessary for this court to discuss the conclusion reached by the Magistrate Judge any further. *See* 28 U.S.C. §636(b)(1)(C) (If a party objects, the district court “shall make a *de novo* determination of those portions of the report or *specified* proposed findings or recommendations to which objection is made”) (emphasis added).

On May 17, 2010, the plaintiff filed a document entitled “Rebuttal to Report and Recommendation”. The Court finds that this filing by the petitioner does not constitute proper objections to the Report and Recommendation. His document fails to adequately direct the court’s attention to a specific error in the Magistrate Judge’s Report and Recommendation. Therefore, this Court is of the opinion that the petitioner’s filing does not satisfy the specificity requirement of Rule

72(b) of the Federal Rules of Civil Procedure.¹

After carefully reviewing the Report, documents filed by the plaintiff, pleadings, and applicable law, the Court adopts the Report and Recommendation of the Magistrate Judge, incorporates it herein, and overrules all objections. Therefore, the complaint is **DISMISSED** *without prejudice* and without issuance or service of process.

IT IS SO ORDERED.

May 19, 2010

s/R. Bryan Harwell _____
R. Bryan Harwell
United States District Judge

¹Rule 72(b) states:

Within ten days after being served with a copy of the recommended disposition, a party may serve and file **specific, written objections to the proposed findings and recommendations**. . . The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of **any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule.**

Fed. R. Civ. P. 72(b) (emphasis added).